

Holiday Pay for Hourly Employees

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PURPOSE

To provide for the approval and administration of holiday pay for hourly employees of the executive branch who are covered by the overtime pay provisions of the Washington Minimum Wage Act (WMWA) and the federal Fair Labor Standards Act (FLSA).

POLICY APPLICABILITY

This policy applies to all hourly employees in the executive branch departments, offices, and divisions, including the Assessor's Office and King County Elections. This applies to all career service, provisional, temporary, probationary, and appointed hourly employees.

DEFINITIONS

"Deferred Holiday" means a day off with pay taken in place of an official county holiday for a comprehensive leave eligible hourly employee who:

- was required to work on an official county holiday or,
- works a schedule other than a five-day, eight-hour workweek and whose regularly scheduled day off falls on an official county holiday.

"Holiday" means one of the twelve official county paid holidays listed in King County Code 3.12.230.

"Hourly Employee" means an employee who is entitled to be paid for all actual hours that they are required or permitted to work at either the straight-time regular hourly rate for hours worked up to and including forty (40) in the workweek or overtime hourly rate at one and one-half times the base rate of pay for each hour worked in excess of forty (40) in the workweek.

"Retaliation" means to take adverse employment action against an individual because they have engaged in statutorily protected activity.

POLICY

Holiday Pay Eligibility

An employee must be eligible for comprehensive leave benefits and in a pay status on the day prior to and the day following a holiday to be eligible for holiday pay. However, an employee who has successfully completed at least five years of county service and who retires at the end of a month in which the last regularly scheduled working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday.

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One day of holiday pay is 8 hours for hourly employees with a standard 40-hour workweek, 7 hours for hourly employees with a 35-hour workweek, and pro-rated for employees with part-time

schedules (*i.e.*, an employee with a 20-hour workweek who works 4 hours a day receives 4 hours of holiday pay). Holiday pay will be administered as follows for hourly employees:

- When an employee has to work on a holiday, the employee will be paid for the hours worked and, at the discretion of management, may either be paid for the holiday or the employee may take holiday leave on a deferred holiday that is agreed to by the supervisor and the employee. However, the deferred holiday must be used within 60 days after the holiday.
 - An hourly employee required to work on a holiday who receives premium pay under a collective bargaining agreement for working the holiday (*i.e.*, straight time for the normal workday, plus additional pay for the holiday), may not also take a deferred holiday.
- When a holiday lands on an hourly employee's regular day off and the employee does not work, the employee shall be given a deferred holiday. The employee and the employee's supervisor shall jointly select the deferred holiday. However, the holiday must be used within 60 days after the holiday for which it was earned.
- When the holiday lands on an employee's regular workday and the employee does not work that day, the employee is paid for one day of holiday pay, based on the number of hours in their standard workday (*e.g.*, an employee with a 20-hour workweek who works 4 hours a day receives 4 hours of holiday pay).
- If the hourly employee's standard workday is longer than 8 hours, the employee receives holiday pay equivalent to the number of hours in the employee's standard workday (*e.g.*, an employee who works a 4-10 workweek will receive 10 hours of holiday pay).

Exceptions and Discrepancies

In the event any provision of this policy conflicts with an applicable provision of a collective bargaining agreement, the latter shall prevail, unless it is less beneficial to the hourly employee than the minimum requirements of the FLSA and/or the WMLA.

When an hourly employee believes that they have not been correctly compensated for a holiday, the employee must report this to their immediate supervisor or Human Resources Manager as soon as possible. Reports of improper compensation will be promptly investigated. If it is determined that improper compensation has occurred, the Human Resources Manager shall ensure proper compensation is made and will take appropriate steps to ensure future compliance with this policy.

King County does not tolerate retaliation for reporting concerns of alleged violations of this policy. Such action is misconduct in violation of this policy and may be subject to discipline, up to and including termination.

QUESTIONS

Refer questions or comments to your agency's [Human Resources Manager](#) or the Department of Human Resources.